

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY MORRIS,

Plaintiff,

v.

Case No. 15-13099

STATE OF MICHIGAN, *et al.*,

HON. TERRENCE G. BERG

HON. STEPHANIE DAWKINS DAVIS

Defendants.

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**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION (DKT. 22), GRANTING PLAINTIFF'S
MOTION TO DISMISS (DKT. 13) AND DENYING, AS MOOT,
MICHIGAN'S MOTION FOR SUMMARY JUDGMENT (DKT. 10)**

This matter is before the Court on Magistrate Judge Stephanie Dawkins Davis's November 8, 2016 report and recommendation (Dkt. 22), recommending that Plaintiff's motion to voluntarily dismiss his claims against the State of Michigan (Dkt. 13) be granted, and that Michigan's motion for summary judgment (Dkt. 10) be denied as moot. Magistrate Judge Davis further recommends that Plaintiff's claims against the State of Michigan be dismissed without prejudice.

The Court has carefully reviewed the Magistrate Judge's report and recommendation, and finds that it is well-reasoned and supported by the relevant law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). As of this date, no party filed any objections to the report and recommendation, and the time to do so has now expired.

The district court will make a “*de novo* determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). Nevertheless, the Court has reviewed the Magistrate Judge’s report and recommendation of November 8, 2016 and will accept it, as this Court’s findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Davis’s Report and Recommendation of November 8, 2016 (Dkt. 22) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Plaintiff’s motion to voluntarily dismiss his claims against the State of Michigan (Dkt. 13) is **GRANTED**, and that the State of Michigan’s motion for summary judgment (Dkt. 10) is **DENIED AS MOOT**. Plaintiff’s claims against the State of Michigan are hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Dated: January 4, 2017

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on January 4, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager